

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME I NUMBER 25

Washington, Friday, April 17, 1936

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

SPECIAL ORDER NO. 29-D

AN ORDER APPROVING MINIMUM PRICES FOR DISTRICT NO. 3 FOR PURPOSES OF COORDINATION ONLY

The Commission having on March 2, 1936, issued its Special Order No. 28, directing, among other things, the establishment and submission to it of minimum prices in each District of Minimum Price Area No. 1 by the District Board therefor, and the District Board for District No. 3 having, in compliance therewith, established minimum prices for said District on March 9, 1936, and submitted said prices to the Commission on March 11, 1936, and the Commission having considered said prices and the data upon which they were computed, and being fully advised in the premises:

Now, therefore, pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby finds that the said minimum prices, as so established and submitted, and as hereinafter modified: (1) will yield a return per net ton of bituminous coal produced in said District which is as nearly equal as can be, within the requirements of said Act, to \$2.07; such sum being the weighted average of the total costs per net ton of the tonnage of said Minimum Price Area as determined by the Commission in its Special Order No. 27 issued February 20, 1936; (2) reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coals; (3) are just and equitable as between producers within said District; (4) have due regard to the interests of the consuming public; and (5) will not permit dumping, and orders as follows:

1. The said minimum prices established on March 9, 1936, and submitted to the Commission on March 11, 1936, by said District Board for District No. 3 be, and they are hereby, modified to the effect that said prices become as set out in "Schedule of Minimum Prices for District No. 3" attached hereto and made a part hereof, and that said prices, as so modified, be and they are hereby approved, such modification and approval to be effective as of this date for purposes of coordination only.

2. The Secretary shall forthwith transmit a copy of this Order, including the said "Schedule of Minimum Prices" hereto attached, to the District Board for each District in Minimum Price Area No. 1.

3. Said District Board for District No. 3 is hereby ordered to forthwith coordinate with all other districts concerned, based upon said Schedule of Prices as herein modified. All District Boards concerned shall immediately proceed with such coordination.

Dated this 15th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, Jr., Chairman.

SCHEDULE OF MINIMUM PRICES FOR DISTRICT NO. 3

Alphabetical list of mines with price classifications

Mine	Company	M-1	LE-2 LE-3 E-4 N-5	N-6	S-7	S-8
Annabelle	Four States Coal Co.	NQ	NQ	NQ	NQ	NQ
Arthur	Long Fuel Co.	Q	Q	Q	Q	Q
Atlas	Atlas Coal Mining Co.	Q	Q	Q	Q	Q
Baby	Hickman-Miller Coal Co.	Q	Q	Q	Q	Q
Bailey #3	Bailey Coal Co.	Q	Q	Q	Q	Q
Baldwin	Elk Coal Mining Co.	Q	Q	Q	Q	Q
Banner	Stanley Coal Co.	Q	Q	Q	Q	Q
Bear Valley	George-Starford Coal Co.	Q	Q	Q	Q	Q
Bergoo #1	Pardee & Curtin Lumber Co.	Q	Q	Q	Q	Q
Bergoo #2	Pardee & Curtin Lumber Co.	Q	Q	Q	Q	Q
Bergoo #3	Pardee & Curtin Lumber Co.	Q	Q	Q	Q	Q
Bergoo #4	Pardee & Curtin Lumber Co.	Q	Q	Q	Q	Q
Berryburg #1	Marra Coal Co.	Q	Q	Q	Q	Q
Berthy #2	Berthy Coal Co.	Q	Q	Q	Q	Q
Betty Jane	New York-New England Coal Co.	Q	Q	Q	Q	Q
Big Sewell #1	Walkers Coal Mining Co.	Q	Q	Q	Q	Q
Bingamon	Berry Fuel Co.	Q	Q	Q	Q	Q
Blake	Blake Coal Co.	Q	Q	Q	Q	Q
Blosser	Upper Elk & Potomac Coal Corp.	Q	Q	Q	Q	Q
Booth	River Seam Coal Co.	Q	Q	Q	Q	Q
Borgman #6	Borgman Coal Co.	Q	Q	Q	Q	Q
Borland Springs	Parkersburg Coal Co.	Q	Q	Q	Q	Q
Bower	West Virginia Coal & Coke Corp.	Q	Q	Q	Q	Q
Brady	Brady, A. Spates	Q	Q	Q	Q	Q
Brock #1	Continental Coal Co.	Q	Q	Q	Q	Q
Brock #5	Continental Coal Co.	Q	Q	Q	Q	Q
Brown #2	Brown Coal Co.	Q	Q	Q	Q	Q
Bunker	Davis-Wilson Coal Co.	Q	Q	Q	Q	Q
Byrne #1	New Byrne Coal Co.	Q	Q	Q	Q	Q
Canyon	Canyon Coal & Coke Co.	Q	Q	Q	Q	Q
Cascade	Preston County Coke Co.	Q	Q	Q	Q	Q
Cassidy	Three Forks Coal Co.	Q	Q	Q	Q	Q
Century	Century Coal Co.	Q	Q	Q	Q	Q
Cliff	Maurer Coal Co.	Q	Q	Q	Q	Q
Corrado #3	Corrado Coal & Coke Co.	Q	Q	Q	Q	Q
Dawson	Dawson Coal Co.	Q	Q	Q	Q	Q
Delmar #1	Waddell Fuel Co.	Q	Q	Q	Q	Q
Delmar #4	Waddell Fuel Co.	Q	Q	Q	Q	Q
Despard	Russell Coal Co.	Q	Q	Q	Q	Q
Eagle	Getty Coal Co.	Q	Q	Q	Q	Q
Edna	Edna Gas Coal Co.	Q	Q	Q	Q	Q
Ella	Miller-Todd Coal Co., Inc.	Q	Q	Q	Q	Q
Elwood	Trotter Coal Co.	Q	Q	Q	Q	Q
Emily	Monongahela Rail & River Coal Corp.	Q	Q	Q	Q	Q
Federal #1	Koppers Coal & Transportation Co.	NQ	NQ	NQ	NQ	NQ
Federal #3	Koppers Coal & Transportation Co.	NQ	NQ	NQ	NQ	NQ
Frances	Frances Fuel Co.	Q	Q	Q	Q	Q
Gallihue #2	Monongah Fuel Co.	Q	Q	Q	Q	Q
Galloway #2 & 3	Simpson Creek Celleries Co.	Q	Q	Q	Q	Q
Gauley #2	Elk Lick Coal Co.	Q	Q	Q	Q	Q
Gilmer	Gilmer Fuel Co., Inc.	Q	Q	Q	Q	Q
Glen Cambria	Mountain Fuel Co.	Q	Q	Q	Q	Q
Glenwood	Glenwood Smokeless Coal Co.	Q	Q	Q	Q	Q
Glenwood #2	West Virginia Smokeless Coal Co.	Q	Q	Q	Q	Q
Golden Ridge #5	Minds Coal Mining Corp.	Q	Q	Q	Q	Q
Golden Ridge #6	Minds Coal Mining Corp.	Q	Q	Q	Q	Q
Hartley	Greer Gas Coal Co.	Q	Q	Q	Q	Q
Hawley #1	Preston County Coke Co.	Q	Q	Q	Q	Q
Hefner	Gilmer Fuel Co.	Q	Q	Q	Q	Q
Helen	Courtney Coal Co.	Q	Q	Q	Q	Q
Hood	Shinnston Coal Co.	Q	Q	Q	Q	Q
Horchler	Domestic King Coal Co.	Q	Q	Q	Q	Q
Jamison #9	Jamison Coal & Coke Co.	Q	Q	Q	Q	Q
Jamison #8	Jamison Coal & Coke Co.	Q	Q	Q	Q	Q
Jaytee	Kanawha-Columbus Coal Co.	Q	Q	Q	Q	Q
Jere	Sunrise Coal Co.	Q	Q	Q	Q	Q
Junior	West Virginia Coal & Coke Corp.	Q	Q	Q	Q	Q
Kano	Pecks Run Coal Co.	Q	Q	Q	Q	Q
Katherine	Katherine Coal Mining Co.	Q	Q	Q	Q	Q
Kenna	Upper Elk & Potomac Coal Corp.	Q	Q	Q	Q	Q



Published by the Division of the FEDERAL REGISTER, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the FEDERAL REGISTER, The National Archives, Washington, D. C.

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Alphabetical list of mines with price classifications—Continued

Mine	Company	M-1	LE-2, LE-3, E-4, N-5	NS-6	S-7	S-8
Kingmont	Virginia & Pittsburgh Coal & Coke Co.	NQ	NQ	NQ	NQ	NQ
Laura Lee	Hutchinson Coal Co.	Q	Q	Q	Q	Q
Loubert #2	H. & G. Coal Co.	Q	Q	Q	Q	Q
Loubert #3	do.	Q	Q	Q	Q	Q
Louis	Houck-Reidler Brothers Coal Mng. Co.	N	N	N	N	N
Louis #2	Houck-Reidler Smokeless Coal Co.	Q	Q	Q	Q	Q
Louise	Chaplin Collieries Co.	T	T	T	T	T
Mable	Phil Williams Coal Co.	Q	Q	Q	Q	Q
Maiden	Kelley's Creek Colliery Co.	Q	Q	Q	Q	Q
Mary	McKenna Coal Co.	T	T	T	T	T
McCandlish	Hutchinson Coal Co.	Q	Q	Q	Q	Q

Alphabetical list of mines with price classifications—Continued

Mine	Company	M-1	LE-2, LE-3, E-4, N-5	NS-6	S-7	S-8
Miller #1 & 2	McDermott, B. J.	Q	Q	Q	Q	Q
Miller #3	McDermott, B. J.	Q	Q	Q	Q	Q
Mona	Arkwright Coal Co.	Q	Q	Q	Q	Q
Monitor #1	Borgman, L. H. & J. W., Inc.	N	N	N	N	N
Morgan #2	Virginia & Pittsburgh Coal & Coke Co.	Q	Q	Q	Q	Q
Nancy	Standard Coal Co.	Q	Q	Q	Q	Q
National	National Fuel Co.	Q	Q	Q	Q	Q
Nora	Nora Coal Co.	Q	Q	Q	Q	Q
Norton	West Virginia Coal & Coke Corp.	Q	Q	Q	Q	Q
Osage #1	Osage Coal Co.	Q	Q	Q	Q	Q
Osage #2	Osage Coal Co.	T	T	T	T	T
Paulville	Webster Sewell Coal Co.	K	K	K	K	K
Peerless	Black Diamond Coal Co.	Q	Q	Q	Q	Q
Purglove #1	Purglove Coal Mining Co.	Q	Q	Q	Q	Q
Purglove #2	Purglove Coal Mining Co.	T	T	T	T	T
Purglove #3	Purglove Gas Coal Corp.	Q	Q	Q	Q	Q
Pyramid	Irondale Fuel Co.	Q	Q	Q	Q	Q
Randall	Reilly-McArdle Coal Co.	R	R	R	R	R
Redoak #1	Redoak Smokeless Coal Co.	H	H	H	H	H
Renwick	Renwick Fuel Co.	Q	Q	Q	Q	Q
Righter	Long Fuel Co.	Q	Q	Q	Q	Q
Robert	Stoetzer Coal Co.	Q	Q	Q	Q	Q
Ronay	Long Fuel Co.	Q	Q	Q	Q	Q
Robinson Run	C. L. S. Coal Co.	Q	Q	Q	Q	Q
Rich Mountain	Superior Sewell Coal Co.	H	H	H	H	H
Rosebud #1	Sardis Coal Co.	Q	Q	Q	Q	Q
Rosedale	Rosedale Coal Co.	Q	Q	Q	Q	Q
Rosemont	Green Valley Coal Co.	Q	Q	Q	Q	Q
Ruth	South Pittsburgh Coal Co.	Q	Q	Q	Q	Q
Saxman #3 & 4	Saxman Coal & Coke Co.	H	H	H	H	H
Scott #2	Bethlehem-Fairmont Coal Co.	Q	Q	Q	Q	Q
Shaver	Green Smokeless Coal Co.	H	H	H	H	H
Shriver	Shriver Coal Co.	T	T	T	T	T
Taggart	Taggart Coal Co.	Q	Q	Q	Q	Q
Thayer #1	Laurel Valley Coal Co.	M	M	M	M	M
Tressler	Tressler Coal Co.	Q	Q	Q	Q	Q
Tunnelton	Hillman Coal & Coke Co.	Q	Q	Q	Q	Q
Victory	Freepoint Coal Co.	Q	Q	Q	Q	Q
Vivian	Wilmoth Coal Co.	Q	Q	Q	Q	Q
Webster #3	Sturm Coal Co.	Q	Q	Q	Q	Q
Weirich	Weirich Coal Co.	Q	Q	Q	Q	Q
Wendel #2	Maryland Coal Co. of West Virginia	Q	Q	Q	Q	Q
Willard #2 & 3	Fairmont & Baltimore Coal & Coke Corp.	Q	Q	Q	Q	Q

NOTE.—Where NQ classifications are shown, the following will determine the proper price classification: Where coal of 1.35% sulphur or under is loaded, class N prices apply; where coal over 1.35% sulphur is loaded, class Q prices apply.

CLASSIFICATION OF INTERMEDIATE SIZES—IMPORTANT—READ CAREFULLY

M-1. Mine Run—includes all Resultant and Modified Resultant¹ above 2"; Modified Mine Run;² Crushed Coal.³

LE-2. Lump Coal 4" and over and Double Screened Coal with top size over 4".

LE-3. Lump under 4" and Double Screened Coal with top size 4" and under and bottom size 2" and over.

E-4. Double Screened Coal with top size 4" and under and bottom size under 2".

N-5. Double Screened Coal with top size 2" and under.

NS-6. Nut-slack with top size not exceeding 2", no fines to be removed.

S-7. Slack with top size not exceeding 1 1/4", no fines to be removed.

S-8. Slack with top size not exceeding 3/4", no fines to be removed.

¹ Modified Resultant—Any resultant coal with one or more intermediate sizes removed.

² Modified Mine Run—No slack to be removed.

³ Coal crushed to 6" and under in size, when not screened, shall take the price of mine run coal.

All sizes are for round hole screens.

Size differentials

Mine Run	M-1	Base
Nut and Pea	N-5	Base
Lump and Egg	LE-2	+40
Lump and Egg	LE-3	+30
Egg	E-4	+20
Nutslack	NS-6	-40
Slack	S-7	-40
Slack	S-8	-50

Price class differentials

A.	\$2.92	H.	\$2.57	P.	\$2.22	W.	\$1.87
B.	2.87	I.	2.52	Q.	2.17	X.	1.82
C.	2.82	J.	2.47	R.	2.12	Y.	1.77
D.	2.77	K.	2.42	S.	2.07	Z.	1.72
E.	2.72	L.	2.37	T.	2.02		
F.	2.67	M.	2.32	U.	1.97		
G.	2.62	N.	2.27	V.	1.92		

[Filed, April 15, 1936; 1:20 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE WITH RESPECT TO A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to Sections 8b and 8c of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the Fall River, Massachusetts, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923-July 1929, gave, on the 20th day of February 1936, notice of a hearing, which was held on the 6th day of March 1936, at North Westport, Massachusetts, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, after such hearing and after the tentative approval by the Secretary of a marketing agreement on the 3rd day of April 1936, handlers of more than 50 per centum of the volume of milk, covered by such proposed order, which is produced or marketed within the Fall River, Massachusetts, Marketing Area, refused or failed to sign such marketing agreement relating to milk;

Now, therefore, the Secretary of Agriculture, by virtue of the authority vested in him by the act, does hereby determine:

1. That the refusal or failure of said handlers to sign the said marketing agreement tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923-July 1929; and

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the proposed order is approved or favored by over eighty-five (85) per centum of the producers who, during the month of February 1936, said month being here and now determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the said area.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture, have executed this determination and have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 13th day of April 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

Dated: April 14, 1936.

[Filed, April 16, 1936; 11:58 a. m.]

ORDER REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, by section 8b of Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the Act, the Secretary of Agriculture, hereinafter called the Secretary, is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with proc-

essors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, by section 8c (1) of the Act the Secretary is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the Fall River, Massachusetts, Marketing Area would tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923-July 1929, gave, on the 20th day of February 1936, notice of a hearing, which was held on the 6th day of March 1936 at North Westport, Massachusetts, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at which time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, after such hearing and after the tentative approval by the Secretary of a marketing agreement on the 3rd day of April 1936, handlers of more than 50 per centum of the volume of milk, covered by this order, which is marketed within the Fall River, Massachusetts, Marketing Area, refused or failed to sign such marketing agreement relating to milk; and

Whereas, the Secretary determined, on the 13th day of April 1936, said determination being approved by the President of the United States on the 14th day of April 1936, that said refusal or failure tends to prevent the effectuation of the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as would reestablish prices of milk to producers of milk in said area at a level that would give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of such milk in the base period, August 1923-July 1929, and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over 85 percent of the producers who, during the month of February 1936, said month being determined by the Secretary to be a representative period, have been engaged in the production of milk for sale in the Fall River, Massachusetts, Marketing Area; and

Whereas, on the 3rd day of April 1936, the Secretary found and proclaimed that the purchasing power of milk handled in the Fall River, Massachusetts, Marketing Area could not be satisfactorily determined from available statistics of the United States Department of Agriculture during the base period August 1909 to July 1914, but that the purchasing power of said milk could be satisfactorily determined from available statistics of the Department of Agriculture during the period August 1923-July 1929, and, on the same date, found and proclaimed the period August 1923-July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Fall River, Massachusetts, Marketing Area; and

Whereas, the Secretary finds, upon the evidence introduced at the aforementioned hearing:

1. That the Fall River, Massachusetts, Marketing Area lies in the States of Massachusetts and Rhode Island, that during the period April 1, 1934-April 30, 1935, handlers in Mas-

sachusetts purchased 72.4 percent of the total volume of milk handled in the said marketing area, of which 43.4 percent originated in Rhode Island, and that the total volume of milk sold in the said marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce;

2. That the classification of milk into two classes follows a custom of long-standing in the market and is a valid economic procedure;

3. That the prices received by producers for milk sold in the marketing area were, for a long time prior to said hearing, at a level that gave such milk a purchasing power with respect to articles that producers buy considerably below the purchasing power in the base period; that the prices established in this order will, over a period of time, tend to give such milk a purchasing power with respect to articles that producers buy equivalent to the purchasing power of such milk in the base period; that the establishment of such prices does not have for its purpose the maintenance of prices to producers above the level which is declared in the Act to be the policy of Congress to establish; and that the method provided for determining the Class II price is a method which bears a reasonable relationship to the prices of cream in the Fall River market;

4. That the determination of uniform prices to producers and the payment of such prices through a market-wide equalization pool founded upon a base rating plan is a fair and reasonable method of distributing to producers the proceeds of sales to handlers; and that the method of calculating the bases of all producers is a fair and reasonable method;

5. That the Fall River, Massachusetts, Marketing Area, as defined in the order, is the natural marketing area within which handlers distribute the aforesaid milk;

6. That the market administrator is a proper agency to administer this order and that the powers granted to, and duties specified for, such market administrator in this order are necessary for the administration of this order;

7. That the expenses which the market administrator will necessarily incur during the twelve months immediately following the effective date of this order, for the maintenance and functioning of such market administrator, will be approximately \$8,000;

8. That the reports required of handlers by this order are reasonably necessary for the proper administration of this order;

9. That the deduction of 5 cents per hundredweight from payments made to producers, except those producers for whom a duly qualified association is actually performing services, is a proper deduction for such services rendered by the market administrator for market information to such producers, and for verification of weights, sampling, and testing of milk;

11. That the furnishing of security by handlers to the market administrator for payments to be made by each handler is necessary in order to insure the payment to producers of the minimum prices specified in this order;

12. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the marketing agreement mentioned above, upon which a hearing has been held;

13. That all the remaining provisions of this order are necessary to effectuate the other provisions of the order; and

14. That the issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy to establish and maintain such marketing conditions in the handling of milk in the aforesaid area as will reestablish prices of milk to producers of milk in said area at a level that will give such milk a purchasing power with respect to articles that such producers buy equivalent to the purchasing power of milk in the base period, August 1923-July 1929;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the Act, hereby orders that such handling of milk in the Fall River, Massachusetts, Marketing Area as is in the current of interstate or foreign

commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce shall, from the effective date hereof, be in conformity to, and in compliance with, the following terms and conditions:

ARTICLE I. DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following meanings:

1. "Fall River, Massachusetts, Marketing Area", hereinafter called the "Marketing Area", means (a) the city of Fall River, the towns of Swansea, Somerset, and so much of the town of Westport as lies west of the line running midway between Drift and Pine Hill Roads, all in the State of Massachusetts; and (b) the towns of Portsmouth, Tiverton, and Little Compton, all in the State of Rhode Island.

2. "Person" means any individual, partnership, corporation, association, and any other business unit.

3. "Producer" means any person, irrespective of whether any such person is also a handler, who produces milk in conformity with, or subject to, the health requirements applicable for milk to be sold for consumption as milk in the Marketing Area.

4. "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the Marketing Area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

5. "Market Administrator" means the person designated pursuant to article II as the agency for the administration hereof.

6. "Delivery period" means the current marketing period from the 1st to, and including, the 15th day of each month, and from the 16th to, and including the last day of each month.

7. "Base" means the quantity of milk calculated for each producer pursuant to section 4 of article VII.

ARTICLE II. MARKET ADMINISTRATOR

SECTION 1. *Selection, Removal, and Bond.*—The Market Administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The Market Administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SEC. 2. *Compensation.*—The Market Administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

SEC. 3. *Powers.*—The Market Administrator shall have power:

1. To administer the terms and provisions hereof; and
2. To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

SEC. 4. *Duties.*—The Market Administrator, in addition to the duties hereinafter described, shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;
2. Submit his books and records to examination by the Secretary at any and all times;
3. Furnish such information and such verified reports as the Secretary may request;
4. Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the Market Administrator;
5. Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

6. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any handler who, within 15 days after the date upon which he is required to perform such acts, has not (a) furnished security pursuant to article XI, (b) made reports pursuant to article V, or (c) made payments pursuant to article VIII; and

7. Pay, out of the funds provided by article X, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the Market Administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

Sec. 5. *Responsibility.*—The Market Administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or any other person for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

ARTICLE III. CLASSIFICATION OF MILK

SECTION 1. *Sales and Use Classification.*—Milk purchased or handled by handlers shall be classified as follows:

1. All milk sold or distributed as milk, chocolate milk, or flavored milk drinks and all milk the sale or use of which is not established for classification in Class II shall be Class I milk.

2. Milk specifically accounted for (a) as being sold, distributed, or disposed of other than as milk, chocolate milk, or flavored milk drinks, or (b) as actual plant shrinkage within reasonable limits shall be Class II milk.

Sec. 2. *Inter-handler Sales.*—Milk sold by a handler to another handler shall be presumed to be Class I milk; provided, that if such selling handler, on or before the date fixed for filing reports pursuant to article V, shall furnish proof satisfactory to the Market Administrator that such milk has been sold or used by the purchasing handler other than as Class I milk, then, and in that event, such milk shall be classified as Class II milk.

ARTICLE IV. MINIMUM PRICES

SECTION 1. *Class I Prices.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class I milk, not less than the following prices:

1. Except as set forth in paragraph 2 of this section \$3.35 per hundredweight for such milk delivered at such handler's plant within the Marketing Area; and

2. In the case of such milk purchased by the city of Fall River for its charity hospital cases and relief clients, \$2.65½ per hundredweight for such milk delivered at such handler's plant within the Marketing Area.

Sec. 2. *Class II Price.*—Each handler shall pay producers, in the manner set forth in article VIII, for Class II milk, not less than that price per hundredweight, calculated for each delivery period by the Market Administrator as follows: Divide by 33 the weighted average price per forty-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, and multiply the result by 3.7.

Sec. 3. *Sales Outside the Marketing Area.*—With respect to Class I milk sold outside the Marketing Area by a handler, the price to be paid to producers, in lieu of the price set forth in section 1, shall be such price as the Market Administrator ascertains to be the prevailing price paid by processors, in the market where such milk is sold, for milk of the equivalent use.

ARTICLE V. REPORTS OF HANDLERS

SECTION 1. *Periodic Reports.*—On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers or (c) produced by such handler, report to the Market Administrator, in the detail and form prescribed by him, as follows:

1. The receipts at each plant from producers who are not handlers, showing for each producer (a) his name, (b) the association, if any, of which he is a member, (c) the quantity of milk delivered within, and in excess of, his base and (d) the number of days on which milk was delivered;

2. The receipts at each plant from any other handler, including any handler who is also a producer;

3. The quantity, if any produced by such handler; and
4. The respective quantities of milk which were sold or used, including sales to other handlers, for the purpose of classification pursuant to article III.

Sec. 2. *Reports as to Producers.*—Each handler shall report to the Market Administrator:

1. Within 10 days after the Market Administrator's request, with respect to any producer for whom such information is not in the files of the Market Administrator, and with respect to a period or periods of time designated by the Market Administrator, (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days on which deliveries were made; and

2. As soon as possible after first receiving milk from any producer, (a) the name and address of such producer and (b) the date on which such milk was first received.

Sec. 3. *Report of Payment to Producers.*—Each handler shall submit to the Market Administrator, at the request of the Market Administrator, his producer payroll, or a report, which shall show, for such delivery period and for each and every producer: (a) such producer's total delivery of milk with the average butterfat test thereof, (b) the portion of such delivery which was in excess of the base of such producer, and (c) the net amount of the payment made to him with the prices, deductions, and charges involved.

Sec. 4. *Verification of Reports.*—In order that the Market Administrator may submit verified reports to the Secretary pursuant to paragraph 3 of section 4 of article II, each handler shall permit the Market Administrator or his representative, during the usual hours of business, to (a) verify the information contained in reports submitted by such handler pursuant to this article and (b) weigh, sample, and test milk for butterfat.

ARTICLE VI. HANDLERS WHO ARE ALSO PRODUCERS

SECTION 1. *Milk Purchased from Producers.*—In the case of a handler who is also a producer and who has purchased milk from producers, the Market Administrator shall, before making the computations set forth in article VII, (a) exclude the milk purchased in each class from other handlers, (b) exclude from his remaining Class I milk up to but not exceeding 95 percent of the quantity of milk produced and sold by him, and (c) exclude from his remaining Class II milk the balance of the milk produced and sold by him.

Sec. 2. *Milk Sold to Other Handlers.*—Until such time as any handler, who is also a producer, has had a figure determined, pursuant to section 5 of article VII, to be used in the calculation of a base with respect to milk sold in bulk to other handlers, milk sold in bulk by such handler to another handler and sold or distributed by such purchasing handler as Class I milk shall, in making the computation for such purchasing handler, pursuant to section 1 of article VII, be multiplied by the difference between the Class I and Class II prices, respectively, and the resultant amount shall be added to the total value of milk otherwise computed.

ARTICLE VII. DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. *Computation of Value of Milk for Each Handler.*—For each delivery period the Market Administrator shall compute, subject to the provisions of article VI, the value of milk sold or used by each handler, which was not purchased from other handlers, by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to article IV and (b) adding together the resulting value of each class.

Sec. 2. *Computation and Announcement of Uniform Prices.*—The Market Administrator shall compute and announce the uniform prices per hundredweight of milk delivered during each delivery period in the following manner:

1. Combine into one total the respective values of milk, computed pursuant to section 1, for each handler who made payments as required by article VIII for milk received during the previous delivery period;

2. Subtract the total amount to be paid to producers pursuant to paragraphs 2 and 3 of section 1 of article VIII;

3. Divide by the total quantity of milk which is not in excess of the bases of producers and which is included in these computations;

4. Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in paragraph 4 of section 1 of article VIII;

5. Add an amount per hundredweight of milk which will prorate, pursuant to section 3 of this article, any cash balance available; and

6. On or before the 10th day after the end of each delivery period, mail to all handlers and publicly announce (a) such of these computations as do not disclose information confidential pursuant to the Act, (b) the blended price per hundredweight which is the result of these computations, and (c) the Class II price.

Sec. 3. Proration of Cash Balance.—For each delivery period the Market Administrator shall prorate, by an appropriate addition pursuant to section 2 of this article, the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out of paragraph 4 of section 1 of article VIII.

Sec. 4. Base Rating.—The base of each producer shall be a quantity of milk for each delivery period calculated in the following manner: Multiply the applicable figure, if any, determined pursuant to section 5 of this article by the number of days on which such producer delivered milk during such delivery period.

Sec. 5. Determination for Base Rating.—For the purpose of calculating, pursuant to section 4 of this article, the bases of producers, the Market Administrator shall determine a figure with respect to deliveries of milk in bulk to handlers by each producer as follows:

1. Effective up to and including January 31, 1937, that figure which is such producer's average delivery per day during the calendar year 1935 or months thereof for which information is in the files of the Market Administrator;

2. Effective for the twelve-month period beginning February 1, 1937, that figure which is such producer's average delivery per day during that quarter of 1936 which is lowest of the three quarters beginning April 1, July 1, and October 1, 1936, respectively, or, at the option of such producer, that figure which is 85 percent of his average delivery per day during the months of 1936 following the effective date hereof for which the information is in the files of the Market Administrator exclusive of the month which immediately follows a month when such producer has the first tuberculin test of his herd;

3. Effective for each twelve-month period beginning February 1 of each year after 1937, his average delivery per day during the consecutive quarter of the next preceding calendar year during which his average delivery is lowest of the four consecutive quarters of such year or, at the option of such producer, 85 percent of his average delivery per day throughout such year or months thereof for which the information is in the files of the Market Administrator exclusive of the month which immediately follows a month when such producer has the first tuberculin test of his herd;

4. In the case of any producer who did not regularly sell milk for a period of thirty days prior to the effective date hereof, to a handler or to persons within the Marketing Area, that figure, effective until the next succeeding February 1, which is the percentage of his average delivery per day during the period when he receives the Class II price pursuant to paragraph 3 of section 1 of article VIII, computed by dividing the total deliveries of all producers not in excess of their bases during such period by the total deliveries of all producers;

5. In the case of a producer who is also a handler, and for whom no figure has previously been determined, at the request of such producer and effective until the determination of a figure pursuant to paragraph 2 of this section, that figure which represents his average delivery of milk per day in bulk to other handlers, according to the Market Administrator's records during the six delivery periods immediately preceding

such request, multiplied by a percentage computed by dividing the total deliveries of all producers not in excess of their bases by the total deliveries of all producers during such six delivery periods; and

6. In the case of a producer who, as tenant or owner, moves his entire herd from one farm to another farm, the figure which was in effect, pursuant to this section, for him at the time of moving.

ARTICLE VIII. PAYMENTS FOR MILK

SECTION 1. Time and Method of Payment.—On or before the 15th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers during such delivery period, computed according to section 1 of article VII, subject to the butterfat differential set forth in section 3 of this article, as follows:

1. To producers, at the blended price per hundredweight computed pursuant to section 2 of article VII, for that quantity of milk delivered by each producer not in excess of the base of such producer;

2. To producers, at the Class II price, for that quantity of milk delivered by each producer in excess of his base;

3. To any producer who did not regularly sell milk, during a period of 30 days next preceding the effective date hereof, to a handler or to persons within the Marketing Area, at the Class II price for all the milk delivered by such producer during the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month;

4. To producers, through the Market Administrator, by paying to or receiving from the Market Administrator, as the case may be, the amount by which the payments made pursuant to paragraphs 1, 2, and 3 of this section are less than, or exceed, the value of milk computed for each handler pursuant to section 1 of article VIII as shown in a statement rendered by the Market Administrator on or before the 15th day after the end of such delivery period.

Sec. 2. Errors in Payments.—Errors in making the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

Sec. 3. Butterfat Differential.—If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall pay to each producer, for each one-tenth of one percent of average butterfat content above 3.7 percent, or shall deduct, for each one-tenth of one percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the Market Administrator as follows: Divide by 330 the weighted average price per forty-quart can of bottling quality cream in the Boston market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered.

ARTICLE IX. MARKETING SERVICES

SECTION 1. Deductions for Marketing Services.—Except as set forth in section 2, each handler shall deduct 4 cents per hundredweight from the payments made direct to producers pursuant to article VIII, with respect to all milk delivered to such handler during each delivery period by producers, and shall pay such deductions to the Market Administrator on or before the 15th day after the end of such delivery period. Such monies shall be expended by the Market Administrator for market information to, and for verification of weights, sampling, and testing of milk purchased from said producers.

Sec. 2. Producers' Cooperative Association.—In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, is actually performing, as determined by the Secretary, the services set forth in section 1 of this article, each handler shall make, in lieu of the deductions specified in section 1 of this article, such deductions from the payments to be made direct to such producers,

pursuant to article VIII, as are authorized by such producers, and, on or before the 15 day after the end of each delivery period, pay over such deductions to the association rendering such services.

ARTICLE X. EXPENSE OF ADMINISTRATION

SECTION 1. Payments by Handlers.—As his pro rata share of the expense of the administration hereof, each handler shall, on or before the 15th day after the end of each delivery period, pay to the Market Administrator, with respect to all milk delivered to him by producers or produced by him during such delivery period, a sum not exceeding 3 cents per hundredweight, the exact sum to be determined by the Market Administrator subject to review by the Secretary. Each handler, who is a cooperative association of producers, shall pay such pro rata share of expense only on that milk received from producers at any plant of such association.

SEC. 2. Suits by Market Administrator.—The Market Administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this article.

ARTICLE XI. ASSURANCE OF, AND SECURITY FOR, PAYMENTS TO PRODUCERS

SECTION 1. Amount.—Each handler who purchases milk from producers or an association of producers shall, not less than 10 days before he is required to make his first payments pursuant to article VIII, furnish to the Market Administrator security in the manner and form satisfactory to the Secretary, payable to the Market Administrator, as assurance of, and security for, payments to be made by such handler pursuant to article VIII, in such amount as will equal the value of the milk purchased by such handler during a period of time equivalent to a delivery period. In the event that the value of milk purchased by such handler for each of three consecutive delivery periods exceeds or is less than the amount of such security furnished, such handler shall increase or decrease the security so that said security shall equal an amount not less than one-third of the total value of milk purchased during said three delivery periods.

SEC. 2. Bonds under State Statute.—If, pursuant to a State statute, any handler has furnished the duly constituted authority charged with the duty of administering the applicable provisions of such statute, a bond or other security, a part or all of which is allocable to, and assures any part of, the payments to be made to producers, such handler shall furnish to the Market Administrator, in manner and form satisfactory to the Secretary, security in such amount as will, when added to such allocable and otherwise conditioned amount of security furnished pursuant to such State statute, equal the amount of security required under section 1 of this article.

SEC. 3. Payments to Producers.—In the event that a handler has failed to make payments, pursuant to article VIII, the Market Administrator shall, within 15 days after such failure, send by registered mail to each producer who, according to the records of the Market Administrator, has delivered milk to such handler within the period of time involved, and to each association of producers a form for the submittal of sworn proof of claim against such handler. Upon the receipt of such sworn proof of claim, the Market Administrator shall audit such claim and in addition cause to be audited his claim, if any, as Market Administrator against such handler, and thereupon shall determine the total payments due from such handler.

Within 15 days after the determination of the amount of said payments, the Market Administrator shall make demand by registered letter upon such handler and upon his surety, if any, for the total payments. If, at the expiration of 15 days from such notice, the handler, or his surety, has not satisfied such claim, the Market Administrator shall, by conversion, sale or suit, or otherwise, make available the amount realizable from the security furnished the Market Administrator, and make distribution to the claimant or claimants, including

the Market Administrator, in accordance with proofs filed, either ratably or in full, as the case may be.

If the amount realized from the security is more than sufficient to pay all claims, the balance arising therefrom shall be returned to such handler or the surety entitled thereto, as the case may be.

SEC. 4. Release.—In the event that a handler shall cease to buy any milk from producers or an association of producers, and shall furnish to the Market Administrator proof of such cessation and of the discharge of his obligations to all producers and associations of producers, the Market Administrator shall, within 30 days after receipt of such proof, release any security in his hands pursuant to this article.

ARTICLE XII. LIABILITY

SECTION 1. Handlers.—The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

ARTICLE XIII. SEPARABILITY

SECTION 1. Separability.—If any provision of this Order is declared invalid or the applicability hereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this Order and the applicability hereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE XIV. DEROGATION

SECTION 1. Derogation.—Nothing contained in this Order is or shall be construed to be in derogation or modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the Act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

ARTICLE XV. AGENTS

SECTION 1. Agents.—The Secretary may, by a designation in writing, name any person (not a handler), including any officer or employee of the Government, or name any bureau or division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this Order.

ARTICLE XVI. EFFECTIVE TIME, SUSPENSION, AND TERMINATION

SECTION 1. Effective Time.—This Order, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to section 2 of this article.

SEC. 2. Suspension and Termination.—This Order, any provision hereof or any amendment hereto, may be suspended or terminated by the Secretary, as to any or all handlers, after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

SEC. 3. Effect.—Unless otherwise provided by the Secretary in the notice of amendment, suspension, or termination of any or all provisions hereof, the amendment, suspension, or termination shall not: (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provision of this Order; (b) release or waive any violation of this Order occurring prior to the effective date of such amendment, suspension, or termination; or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

SEC. 4. Continuing Power and Duty.—If, upon the suspension or termination of this Order, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the Market Administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination; provided, that any such acts required to be performed by the Market Administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The Market Administrator, or such other person as the Secretary may designate, (a) shall continue in such capacity

until discharged by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the Market Administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the Market Administrator, or such person, pursuant to this Order.

Sec. 5. Liquidation after Suspension or Termination.—Upon the suspension or termination of this Order or of any provision hereof, the Market Administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this Order, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the Market Administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained, and not otherwise, does hereby execute this Order in duplicate under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 15th day of April 1936, and, pursuant to the provisions hereof, declares this Order to be effective on and after 12:01 a. m., eastern standard time, May 1, 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[Filed, April 16, 1936; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-95

IN THE MATTER OF THE APPLICATION OF SAUGERTIES GAS LIGHT COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by Saugerties Gas Light Company pursuant to Section 3 (a) (1) of the Public Utility Holding Company Act of 1935,

It is ordered, that the matter be set down for hearing on the 1st day of May, 1936, at ten o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Charles S. Moore, an officer of the Commission be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person

desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 27, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, April 16, 1936; 11:53 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-182

IN THE MATTER OF THE APPLICATION OF THE COLUMBUS, DELAWARE AND MARION ELECTRIC COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by The Columbus, Delaware and Marion Electric Company pursuant to Section 3 (a) (1) of the Public Utility Holding Company Act of 1935,

It is ordered, that the matter be set down for hearing on the 1st day of May 1936, at ten o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 27, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, April 16, 1936; 11:52 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-324

IN THE MATTER OF THE APPLICATION OF PHILOKLA GAS COMPANY AND PHILLIPS PETROLEUM COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by Philokla Gas Company and Phillips Petroleum Company for an order pursuant to Section 2 (a) (4) of the

Public Utility Holding Company Act of 1935 declaring said Philokla Gas Company not to be a gas utility company;

It is ordered that the matter be set down for hearing on the 1st day of May 1936, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant in material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers, or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 27, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 16, 1936; 11:54 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-363

IN THE MATTER OF THE APPLICATION OF NORTHEASTERN UTILITY ASSOCIATES

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by Northeastern Utility Associates pursuant to Section 3 (a) (1) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 1st day of May 1936, at ten o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 27, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, April 16, 1936; 11:53 a. m.]

No. 25—2

VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

SECTION 31, PUBLIC 141, 73D CONGRESS

2085. See R. & P. R-1121 to R-1123. Misconduct, whether willful or otherwise, is a bar. (April 16, 1936.)

RATES—SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, AND BOXER REBELLION SERVICE

2087. In claims of veterans with Spanish American War, Philippine Insurrection, or Boxer Rebellion service, as defined in Public, No. 2 or Public, No. 141, 73d Congress, and regulations issued pursuant thereto, the pension to be awarded will be in accordance with the rates provided in Veterans Regulation No. 1 (a), Part I, and the Schedule for Rating Disabilities, 1933, or Section 30, Title III, Public, No. 141, 73d Congress, whichever is the greater monetary benefit. (April 16, 1936.)

SECTION 30, PUBLIC, NO. 141, 73D CONGRESS; PUBLIC, NO. 269, 74TH CONGRESS; INDIAN WARS; CIVIL WAR; AND PEACE-TIME PRIOR TO APRIL 21, 1898

2135. (B) The Act of December 21, 1893, does not apply where the claimant is shown to be without entitlement to pension before the delivery of the initial check in payment under the award, nor to suspensions, reductions, or terminations which would normally be effected upon the happening of a contingency which in itself under existing law affects or terminates pension rights, such as death, re-entry into the active military or naval service, remarriage of a widow or mother, forfeiture (including O. N. A. C.), admission into a Veterans' Administration facility, or State or United States soldiers' home, nor to temporary suspensions to guardians or others in connection with any guardianship action.

(C) Notice of reduction, suspension, or termination will be given the pensioner by registered letter containing a full and true statement of the reasons necessitating such action. It will be stated in the letter that the pensioner will be given a period of thirty days (sixty days to pensioners in foreign countries) from the date of receipt of the letter by him within which to show cause why the action contemplated should not be taken. The pensioner will be informed that any evidence submitted must be duly sworn to before some officer authorized to administer oaths for general purposes. If reply is not received within the period designated in the notice, as shown by the date appearing on the returned registered receipt, the pension will be reduced, suspended, or terminated as the case may be, effective on the day following the date of expiration of the designated period. If reply is received within the designated period, it will be carefully considered to determine whether cause has been shown for receding from the contemplated action. If the contemplated action is not receded from, the pension will be reduced, suspended, or terminated as in cases where no reply is received. In any event the pensioner will be informed of the action taken. (April 16, 1936.)

TRANSPORTATION FOR OUT-PATIENT MEDICAL AND DENTAL TREATMENT AND PHYSICAL EXAMINATION

6103. (A) *Out-patient treatment of veterans.*—Veterans of war time (including those receiving pension under paragraph III, Part I, Veterans Regulation No. 1 (a) or peace time service suffering from service-connected diseases or injuries determined to need out-patient treatment, or suffering from a nonservice-connected condition for which adjunct treatment has been authorized by the medical director will, when authorized to report for out-patient treatment, including fitting of prosthetic appliances, be furnished transportation and the necessary meal and lodging requests, except:

(1) Where the beneficiary resides in the town or city where the out-patient treatment is to be rendered, or in the vicinity thereof so that the said town or city may be considered his place of residence.

(2) Veterans comprehended under subparagraph (1) hereof may, however, be supplied station transportation (bus,

etc.) or expenses of transportation by common carriers where the fare exceeds ten cents each way, when reporting for out-patient treatment, where such special authority has been granted certain stations by the Administrator, because of exceptional conditions.

(B) *Out-patient physical examinations.*—

(1) In physical examinations to determine need for out-patient treatment, whether made by a designated physician or designated dentist, or at a field station of the Veterans' Administration, transportation and incidental expenses may be supplied by the government at the discretion of the chief medical officer. This authority may be exercised either as to

determining need of such treatment before it is begun, or its continuance in cases where a beneficiary has been for a comparatively extended period under treatment by a designated physician, and a chief medical officer considers it advisable to have the beneficiary report at the field station to note his progress and decide whether hospital treatment is indicated, or whether any further treatment is necessary. (April 16, 1936.)

(Section 6, Public, No. 2, 73d Congress, as amended by Public, No. 78 and Public, No. 141, 73d Congress; Public, No. 312, 74th Congress, and Veterans Regulation No. 7 (a)).

[Filed, April 16, 1936; 11:13 a. m.]